

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MRS. JUSTICE K.HEMA

WEDNESDAY, THE 10TH JANUARY 2007 / 20TH PAUSHA 1928

Crl.Rev.Pet.No. 3407 of 2004(A)

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CC.1210/1998 of JUDL.MAGISTRATE OF FIRST CLASS-I, ERNAKULAM  
CRA.1034/2003 of V ADDL.SESIONS COURT, ERNAKULAM  
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REVN. PETITIONER: APPELLANT/ACCUSED:  
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SABU.K.JACOB, PROPRIETOR,  
M/S.KARITHADATHIL AGENCIES,  
PIRAVAM, COCHIN, SABU K.G. AS GIVEN IN THE  
JUDGMENT.

BY ADV. SRI.C.A.MAJEED

RESPONDENTS: COMPLAINANT:  
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1. STATE OF KERALA, REP. BY THE  
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,  
ERNAKULAM.
2. M/S.SURASHTRA CEMENT LTD., PLOT NO.3,  
CATEGORY 13, 6TH CROSS ROAD, WEST ISLAND,  
COCHIN 3, REP. BY THE P.A.HOLDER SURESH KUMAR,  
SENIOR MARKETING MANAGER.

BY ADV. SRI.V.J.MATHEW  
SRI.P.P.RAJESH  
SRI.ASHLY ANTONY  
SRI.BIJISH B.TOM  
SMT.BABY SONIA  
SMT.NAVEENA ANTONY  
PUBLIC PROSECUTOR

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD  
ON 10/01/2007, THE COURT ON THE SAME DAY PASSED THE  
FOLLOWING:

**K. HEMA, J.**

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**Crl.R.P. No.3407 of 2004**  
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**Dated this 10<sup>th</sup> day of January, 2007.**

**O R D E R**

Revision Petitioner is the accused in C.C.No.1210 of 1998 on the file of the Judicial First Class Magistrate's Court No.1, Ernakulam. Second respondent is the complainant therein. Revision petitioner was convicted and sentenced by the Magistrate's Court to undergo simple imprisonment for three months and also directed to pay compensation of Rs.28,000/- to the complainant in default of payment to undergo simple imprisonment for three months under section 357 (3) of the Code of Criminal Procedure. In appeal filed by him, the conviction and sentence were confirmed by the Additional Sessions Court. This revision arises from the said conviction and sentence.

2. At the time of hearing, both sides submitted that a petition as Crl.M.Appl.No.269 of 2007 is filed for compounding the offence. It is also submitted by both sides that the matter is settled out of court amicably between the parties and the amount is also paid by the petitioner to the satisfaction of the second respondent. On hearing both sides and on going through the averments in the petition, I am satisfied that this is a fit case to grant permission to compound the offence.

In the result, Revision Petitioner is acquitted of offence under section 138 of the Negotiable Instruments Act, as offence is compounded. He is set at liberty forthwith.

Crl. M.Appl.No.269 of 2007 and Revision Petition are allowed.

vgs.

**K. HEMA, JUDGE.**